

22

MEMORANDUM

December 16, 1971

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert T. Kenney  
SUBJECT: BOARD OF APPEAL REFERRALS

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TABLED 12/2/71

Petition No. Z-2332  
Robert Naser  
1528A VFW Parkway, West Roxbury

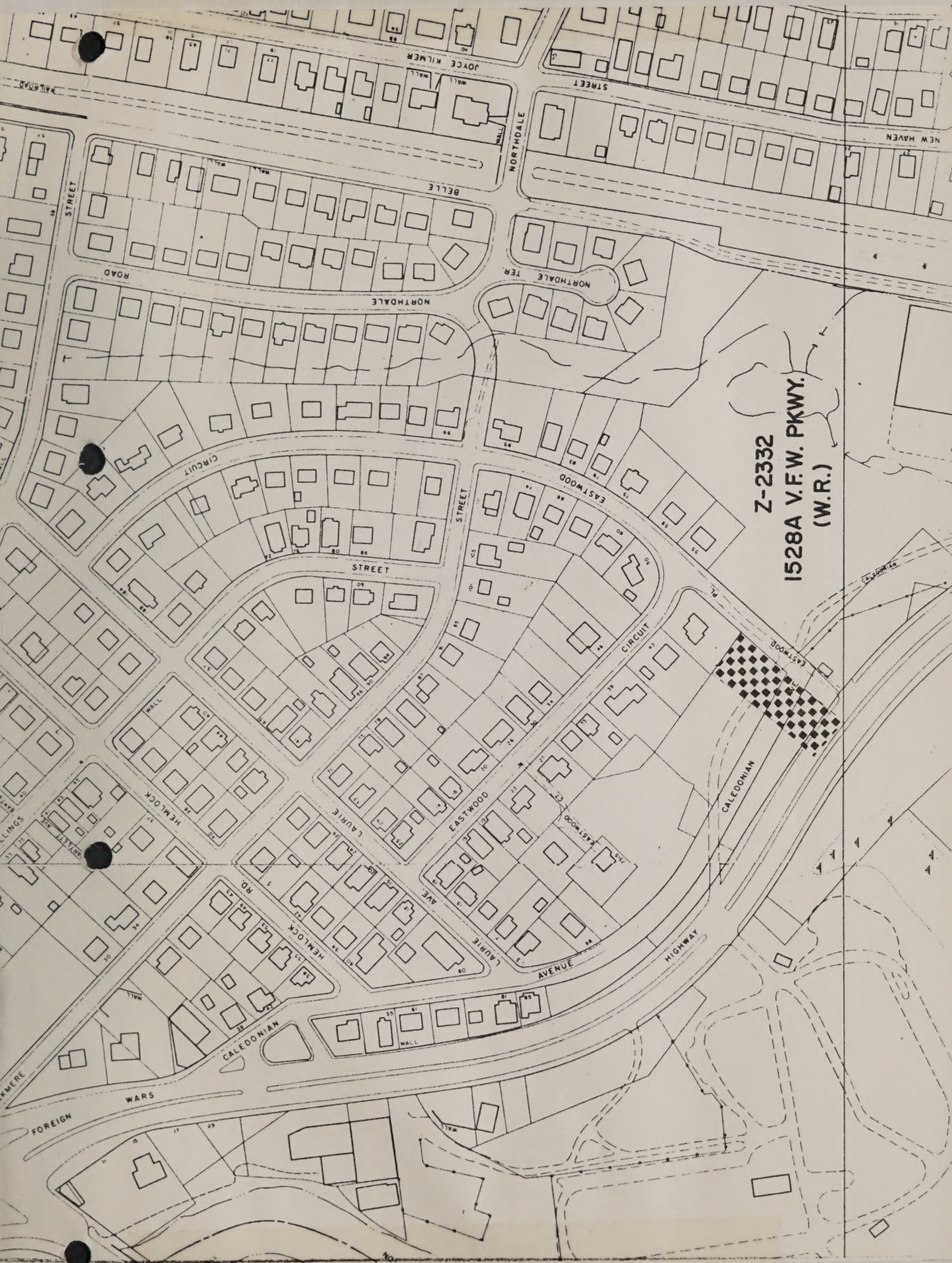
Petitioner seeks a conditional use permit to erect a one story retail tire store and accessory service garage in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. A repair garage is conditional in a B-1 district.

The property, located on VFW Parkway near the intersection of Spring Street, contains approximately 22,000 square feet of vacant land. The facility will be consistent with other auto-oriented uses fronting on the highway and complies with conditions required for approval under Section 6-3 of the code. Recommend approval.

VOTED: That in connection with Petition No. Z-2332, brought by Robert Naser, 1528A VFW Parkway, West Roxbury, for a conditional use permit to erect a one story retail tire store and accessory service garage in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. The facility will be consistent with other auto-oriented uses fronting on the highway and complies with conditions required for approval under Section 6-3 of the code.





Z-2332

1528A V.F.W. PKWY.

(W.R.)



Board of Appeal Referrals 12/16/71

Petition No. Z-2327  
Nicholas Shaheen  
52 Clarendon Street, South End

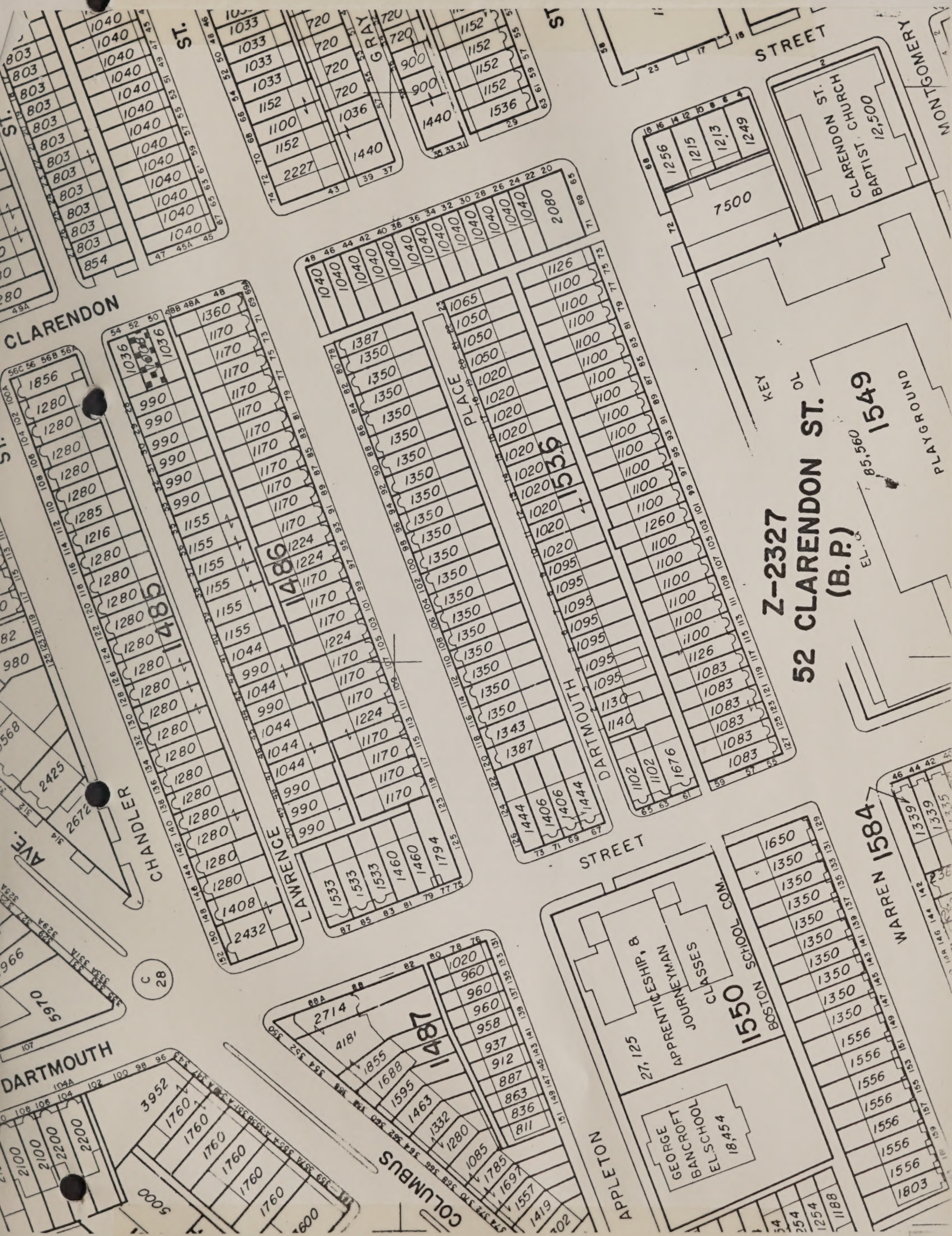
Petitioner seeks a forbidden use permit and a variance to erect two signs in an apartment (H-3) district. The proposal violates the code as follows:

Section 8-7. A real estate office is forbidden in an H-3 district.  
Section 11-1. Signs exceed two square feet in area.

The property, located on Clarendon Street near the intersection of Lawrence Street, contains a three story real estate office and lodging house structure. In 1966, the Board of Appeal granted a variance for the first floor real estate office and incorporated a proviso allowing one identification sign. It is now proposed to erect two 34" x 26" identification signs on each side of a second floor bay window. These signs, contrary to the previous Board of Appeal decision will tend to have a blighting influence on the neighborhood as well as a damaging affect on the architectural character of the structure. Recommend denial.

VOTED: That in connection with Petition No. Z-2327, brought by Nicholas Shaheen, 52 Clarendon Street in the South End Urban Renewal Area, for a forbidden use permit and a variance to erect two signs in an apartment (H-3) district, the Boston Redevelopment Authority recommends denial. The proposed signs, contrary to a previous Board of Appeal decision, will tend to have a blighting influence on the neighborhood as well as a damaging affect on the architectural character of the structure.





KEY  
Z-2327  
52 CLARENDON ST.  
(B.P.)  
1549  
85,560  
EL.

BAPTIST CHURCH  
CLARENDON ST.  
1005,521  
12500

7500

BOSTON SCHOOL  
1550

CLASSES  
JOURNEMAN  
APPRENTICESHIP  
27,125

GEORGE BANCROFT  
SCHOOL  
18,454

WARREN 1584

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Board of Appeal Referrals 12/16/71

Petition No. Z-2331  
Walter Bauke  
371 Commonwealth Avenue &  
57-65 Massachusetts Avenue,  
Boston

Petitioner seeks a conditional use permit for a change of occupancy from a lodging house, apartments, offices and retail stores to a lodging house, apartments, offices, retail stores and restaurant providing food for off premises consumption in a general business (B-8-120) district. The proposal violates the code as follows:

Section 8-7. The sale of food for off premises consumption is conditional in a B-8 district.

The property, located at the intersection of Commonwealth and Massachusetts Avenues, contains a six story residential - commercial structure. Essentially, it is proposed to convert a retail store to a restaurant providing "take out" facilities. The Back Bay Architectural Commission has issued a certificate of design approval for exterior alterations (partial new store front, new steps and paving). There is no objection to the use, however, the staff recommends that plans for signs be submitted to the Authority for design review approval. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2331, brought by Walter Bauke, 371 Commonwealth Avenue & 57-65 Massachusetts Avenue, Boston, for a conditional use permit for a change of occupancy from a lodging house, apartments, offices and retail stores to a lodging house, apartments, offices, retail stores and restaurant providing food for off premises consumption in a general business (B-8-120) district, the Boston Redevelopment Authority recommends approval provided that plans for signs are submitted to the Authority for design review. The Back Bay Architectural Commission has issued a certificate of design for the proposed exterior alterations.





CHARLESGATE

EAST

COMMONWEALTH

COMMONWEALTH

CHARLESGATE

STREET

**Z-2331**  
**371 COMMONWEALTH AVE.**  
**57-65 MASSACHUSETTS AVE.**  
**(B.P.)**

THE SOMERSET HOTEL

GREATER  
BOSTON  
ACADEMY



Board of Appeal Referrals 12/16/71

Petition No. Z-2338  
A & R Realty Co.  
Arthur Sedar  
391-405 Market Street,  
Brighton

Petitioner seeks two conditional use permits and a variance to erect a two story gas station, car wash and office building in a local business (L-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A gas station and car wash are conditional in an L-.5 district.		
Section 18-1. Front yard is insufficient.	15 ft.	2 ft.

The property, located on Market Street at the intersection of Surrey Street, contains an abandoned gas station office structure, which will be demolished, and a parking lot for damaged automobiles. The staff has no objection to the use but is opposed to the submitted plan. Circulation to the car wash as indicated in the plan would be dependent upon Surrey Street, primarily a residential street, rather than Market Street, the major commercial artery. Recommend denial as submitted.

VOTED: That in connection with Petition No. Z-2338, brought by A & R Realty Co., Arthur Sedar, 391-405 Market Street, Brighton, for two conditional use permits and a variance to erect a two story gas station, car wash and office building in a local business (L-.5) district, the Boston Redevelopment Authority recommends denial as submitted. There is no objection to the use, however, circulation to the car wash as indicated on the submitted plan would be dependent upon Surrey Street, primarily a residential street rather than Market Street, the major commercial artery.







Board of Appeal Referrals 12/16/71

Petition No. Z-2339  
Roche Realty Trust  
John C. Roche, Trustee  
1072 River Street, Hyde Park

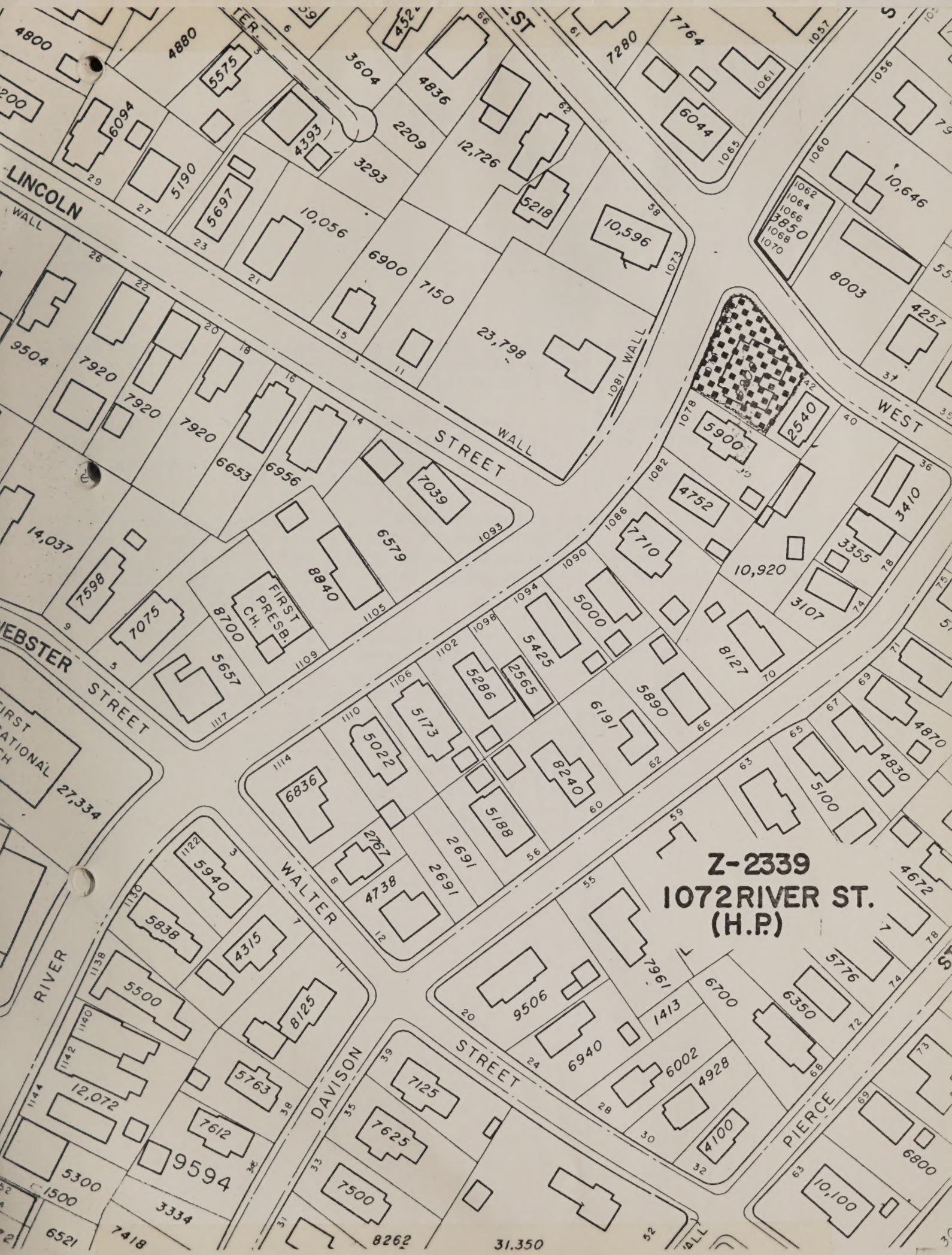
Petitioner seeks a forbidden use and three variances for a change of occupancy from a one family dwelling to a two family dwelling and real estate - insurance office and to erect a one story office addition in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A real estate - insurance office is forbidden in an R-.5 district.		
Section 14-2. Lot area for additional unit is insufficient.	3000 sf/u	881 sf/u
Section 18-1. Front yard is insufficient. (River Street)	25 ft.	0
Section 18-5. Front yard is insufficient. (West Street)	25 ft.	7 ft.

The property, located on River Street at the intersection of West Street, contains a 2 ½ story frame structure. The residential two family and office use is existing. The proposed 20' x 40' x 29' office extension at the left front of the structure is undesirable, represents an unreasonable use of land and will impair the appearance of the property. Recommend approval of existing two family office use and denial of office addition.

VOTED: That in connection with Petition No. Z-2339, brought by Roche Realty Trust, John C. Roche, Trustee, 1072 River Street, Hyde Park, for a forbidden use permit and three variances to change the occupancy from a one family dwelling to a two family dwelling and a real estate - insurance office and to erect a one story office addition in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval of existing two family office use and denial of the proposed office addition. This addition is undesirable, represents an unreasonable use of land and will impair the appearance of the property.





**Z-2339**  
**1072 RIVER ST.**  
**(H.P.)**



Board of Appeal Referrals 12/16/71

Petition No. Z-2340  
Joseph Queally  
60 Old Morton Street, Mattapan

Petitioner seeks a forbidden use permit and three variances to legalize the occupancy of an existing six family dwelling in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A dwelling converted for more families and not meeting the requirements of lot area, open space and off street parking is forbidden in an R-.5 district.		
Section 14-1. Lot area is insufficient.	2 acres	7040 sf
Section 17-1. Open space is insufficient.	1000 sf/du	518 sf/du
Section 23-1. Off street parking is insufficient.	3 spaces	0

The property, located on Old Morton Street near the intersection of River Street, contains a three story frame structure. The overcrowded conditions existing in this legal three family dwelling present a severe hazard to the safety of the tenants, the structure itself, and the surrounding properties. Recommend denial.

VOTED: That in connection with Petition No. Z-2340, brought by Joseph Queally, 60 Old Morton Street, Mattapan, for a forbidden use and three variances to legalize the occupancy of an existing six family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The overcrowded conditions existing in this legal three family dwelling present a severe hazard to the safety of the tenants, the structure itself, and the surrounding properties.





Z-2340

OLD MORTON ST.  
(MATT.)



Board of Appeal Referrals 12/16/71

Petition No. Z-2342  
Idak Convalescent Centers Inc.  
1090-1100 VFW Parkway,  
West Roxbury

Petitioner seeks a forbidden use permit and four variances to erect a one story vertical addition to a nursing home in a single family (S-.5) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A nursing home is forbidden in an S-.5 district.		
Section 14-2.	Lot area for additional unit is insufficient.	4000 sf/u	885 sf/u
Section 15-1.	Floor area ratio is excessive.	0.5	1.0
Section 16-1.	Height of building is excessive.	2½ stories 35 feet	3 stories 40 feet
Section 23-2.	Off street parking is insufficient.	36 spaces	4 spaces

The property, located on VFW Parkway a short distance from Baker Street contains a two story 144 bed nursing home. It is proposed to erect a one story 102 bed vertical addition to the facility. This extension will increase the total accommodations to 246 beds and represents more than a 50% expansion of a facility which will only supply four additional parking spaces. Traffic generation into an already congested artery will intensify thereby increasing existing critical conditions.  
Recommend denial.

VOTED: That in connection with Petition No. Z-2342, brought by Idak Convalescent Centers, Inc., 1090-1100 VFW Parkway, West Roxbury, for a forbidden use permit and four variances to erect a one story vertical addition to a nursing home in a single family (S-.5) district, the Boston Redevelopment Authority recommends denial. The extension represents more than a 50% expansion of a facility which will only supply four additional parking spaces. Traffic generation into an already congested artery will intensify thereby increasing existing critical conditions.





Z-2342  
1090-1100 V.F.W. PKWY.  
(W.R.)

ST. JOSEPH'S  
CEMETERY

ST. JOSEPH'S CEMETERY



Board of Appeal Referrals 12/16/71

Petition No. Z-2343  
Arthur McCarthy  
510-512 Weld Street  
West Roxbury

Petitioner seeks a forbidden use permit and four variances for a change of occupancy from a one family dwelling to a two family dwelling in a single family (S-.5) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A two family dwelling is forbidden in an S-.5 district.		
Section 14-2.	Lot area for additional unit is insufficient.	4000 sf/u	330 sf/u
Section 14-3.	Lot width is insufficient.	60 ft.	50 ft.
Section 14-4.	Street frontage is insufficient.	60 ft.	50 ft.
Section 20-1.	Rear yard is insufficient.	50 ft.	39 ft.

The property, located on Weld Street at the intersection of Russett Road, contains a 2½ story frame structure. The two family occupancy is existing and has no significant affect on abutting properties. Recommend approval.

VOTED: That in connection with Petition No. Z-2343, brought by Arthur McCarthy, 510-512 Weld Street, West Roxbury, for a forbidden use permit and four variances for a change of occupancy from a one family dwelling to a two family dwelling in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval. The two family occupancy is existing and has no significant affect on abutting properties.



Z-2343  
510-512 WELD ST.  
(W.R.) HOA'S FIELD





Board of Appeal Referrals 12/16/71

Petition No. Z-2344  
Sam Nassab  
6 Highview Avenue  
West Roxbury

Petitioner seeks seven variances to erect a two family dwelling in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 14-1. Lot area is insufficient.	5000 sf	4187 sf
Section 14-2. Lot area for additional dwelling unit is insufficient.	3000 sf	0
Section 14-3. Lot width is insufficient.	50 ft.	41 ft.
Section 14-4. Street frontage is insufficient.	50 ft.	41 ft.
Section 15-1. Floor area ratio is excessive.	.50	.55
Section 19-1. Side yard is insufficient.	10 ft.	8 ft.
Section 18-1. Front yard is insufficient.	20 ft.	15 ft.

The property, located on Highview Avenue near the intersection of Washington Street, contains 4,187 square feet of land. The residential two family use is appropriate and consistent with the general nature of the neighborhood. The violations will have no effect on adjacent properties. Recommend approval.

VOTED: That in connection with Petition No. Z-2344, brought by Sam Nassab, 6 Highview Avenue, West Roxbury, for seven variances to erect a two family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The residential two family use is appropriate and consistent with the general nature of the neighborhood. The violations will have no affect on adjacent properties.



Z-2344  
6 HIGHVIEW AVE.  
( W. R. )





Board of Appeal Referrals 12/16/71

Petition No. Z-2346  
Temple B'Nai Moshe  
Washington Street Co-operative  
Nursery School, Inc. (Lessee)  
16 Sidlaw Road, Brighton

Petitioner seeks a conditional use permit for a change of occupancy from a synagogue and school to a synagogue, school and day care center in an apartment (H-2) district. The proposal violates the code as follows:

Section 8-7. A day care center is conditional in an H-2 district.

The property, located on Sidlaw Road at the intersection of Commonwealth Avenue, contains a synagogue and religious school. The day care facility, which will provide accommodations for 28 children, will utilize the second floor of the school three hours in the morning Monday through Friday. The proposal complies with conditions required for approval under Section 6-3 of the code. Recommend approval.

VOTED: That in connection with Petition No. Z-2346, brought by Temple B'Nai Moshe, 16 Sidlaw Road, Brighton, for a conditional use permit for a change of occupancy from a synagogue and school to a synagogue, school and day care center in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval. The facility would comply with the requirements of Section 6-3 of the code.





2-2346

16 SIDLAW RD.  
(BRI.)



Board of Appeal Referrals 12/16/71

Petition No. Z-2347  
Kathleen A. Smith  
49 Jamaica Street,  
Jamaica Plain

Petitioner seeks a variance to subdivide an area of land in a residential (R-.8) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 14-2. Lot area for additional dwelling unit is insufficient.	1500 sf/du	0

The property, located on Jamaica Street near the intersection of Woodman Street, contains a two family dwelling. It is proposed to convey approximately 35 feet of an existing 80 foot rear yard to a contiguous property at 218-220 Arborway which presently has a rear yard of approximately 15 feet. The proposed subdivision will increase the rear yard amenity of the Arborway without significantly affecting the Jamaica Street property. Recommend approval.

VOTED: That in connection with Petition No. Z-2347, brought by Kathleen A. Smith, 49 Jamaica Street, Jamaica Plain, for a variance to subdivide an area of land in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval. The proposed subdivision will increase the rear yard amenity of the contiguous Arborway property without significantly affecting the Jamaica Street property.





ARNOLD  
ARBOR ETUM  
Z-2347  
49 JAMAICA ST.  
(J.P.)

ARBOR ETUM



Board of Appeal Referrals 12/16/71

Petitions Nos. Z-2348-2349  
President & Fellows of Harvard  
College  
107 Avenue Louis Pasteur &  
25 Shattuck Street, Boston

Petitioner seeks two conditional use permits to perform alterations in a dormitory building and a medical research building in an apartment (H-3) district. The proposal violates the code as follows:

107 Avenue Louis Pasteur (Vanderbilt Hall - dormitory)

Section 8-6. The structural change of an existing conditional use requires a Board of Appeal hearing.

26 Shattuck Street (Medical research building)

Section 8-6. The structural change of an existing conditional use requires a Board of Appeal hearing.

The properties, located on Avenue Louis Pasteur and Shattuck Street, contain a dormitory and medical research building in the Harvard Medical School complex. It is proposed to renovate the basement and file floors of the research building, install new laboratory equipment and mechanical facilities. A basement mezzanine interfloor will be installed in the dormitory to provide additional storage space. The proposed alterations are interior improvements and will not encroach on existing residential areas. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-2348-2349, brought by the President & Fellows of Harvard College, 107 Avenue Louis Pasteur and 25 Shattuck Street, Boston, for two conditional use permits to alter two buildings in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. The proposed alterations are interior improvements and will not encroach on existing residential areas.



Z-2348-49  
107 AVENUE LOUIS PASTEUR  
25 SHATTUCK ST.  
(B.P.)





Board of Appeal Referrals 12/16/71

Petitions Nos. Z-2350-2356  
Manel Properties Inc.  
29-33 Ridgcrest Drive &  
14-49 Ridgcrest Terrace,  
West Roxbury

Petitioner seeks seven forbidden use permits and 14 variances for a change of occupancy in seven buildings in a residential (R-.5) district as follows: in one building from 12 to 14 apartments, in one building from 20 to 24 apartments, in each of two buildings from 12-18 apartments, in each of three buildings from 12-16 apartments. The proposal violates the code as follows:

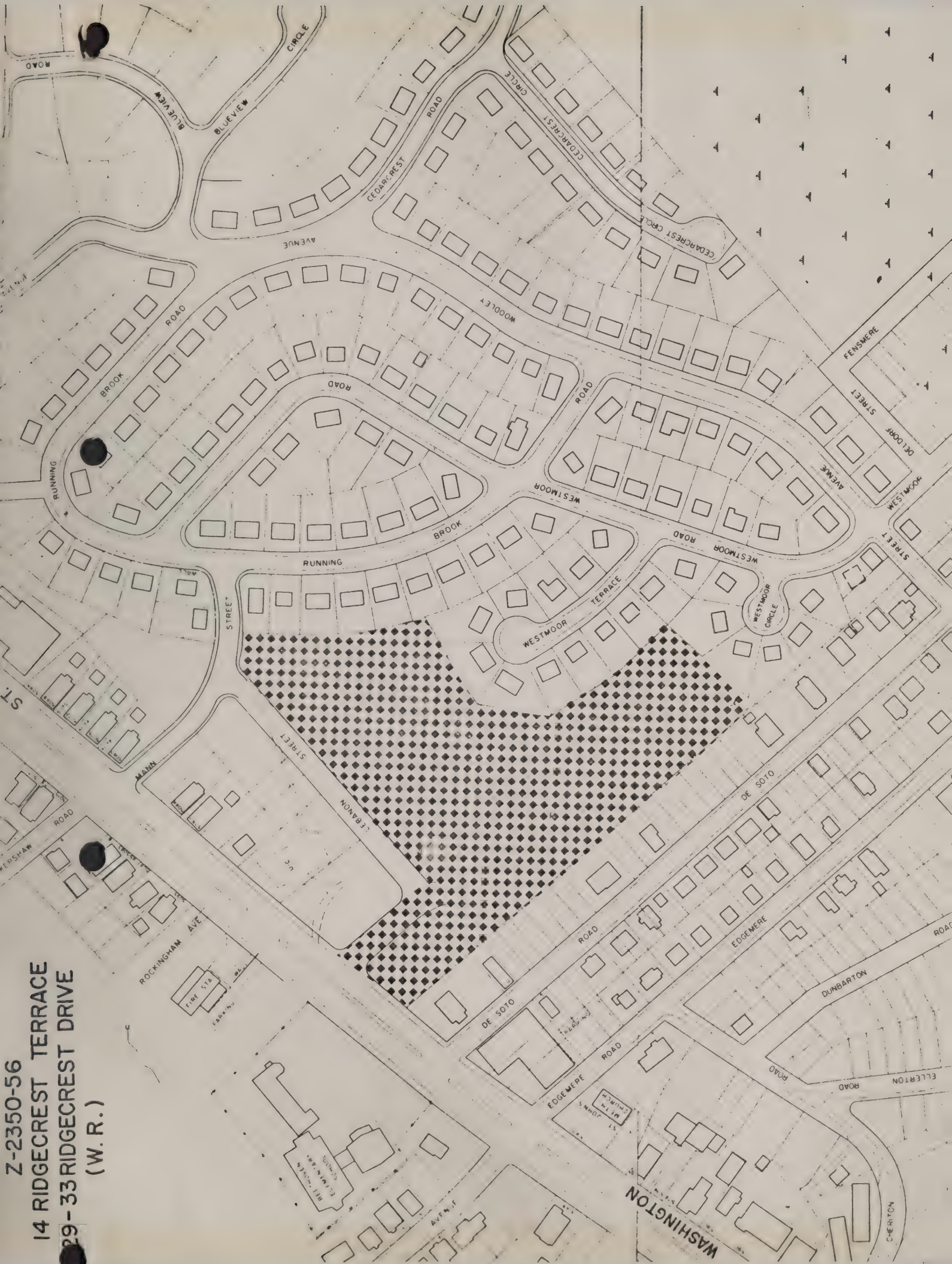
	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families is forbidden in an R-.5 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	3000 sf/du	1122 sf/du
Section 15-1. Floor area ratio is excessive.	0.5	0.58

The properties, located on Ridgcrest Drive and Ridgcrest Terrace near the intersection of Washington Street, contain 23-2½ story garden type apartment dwellings (92 units). When the original variances were granted in 1967 for this project, the Board of Appeal specifically stated in a proviso that basement apartments would not be allowed. There is presently no justification for the creation of basement apartments. Open space will be deficient. Traffic generation will intensify on local congested arteries. The proposal does not meet the conditions required for a variance under Section 7-3 of the code. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-2350-2356, brought by Manel Properties Inc., 29-33 Ridgcrest Drive and 14-49 Ridgcrest Terrace, West Roxbury, for a change of occupancy in seven apartment dwellings in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. There is presently no justification for the creation of basement apartments. Open space will be deficient. Traffic generation will intensify on local congested arteries. The proposal does not meet the conditions required for a variance under Section 7-3 of the code.



Z-2350-56  
14 RIDGECREST TERRACE  
29-33 RIDGECREST DRIVE  
(W.R.)





Board of Appeal Referrals 12/16/71

Petition No. Z-2357  
Washington North Realty  
Robert J. Soforenko  
67-91 North Washington Street  
Boston

Petitioner seeks a variance for a change of occupancy from seat cover manufacturing, stores, curtain manufacturing and furniture salesroom to stores, offices, manufacturing, photo lab, printing and restaurant in a light manufacturing (M-2) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 23-2. Off street parking not supplied.	39	0

The property, located on North Washington Street at the intersection of Thacher Street, contains a nine story commercial structure. Essentially, it is proposed to legalize the existing occupancy of stores, offices, manufacturing, photo lab, printing and to alter interior space on the eight and ninth floors for a 400 seat restaurant. The petitioner has a commitment with the Government Center Garage allowing parking for a small fee after 5 p.m. Monday through Sunday. The off street parking violation will be mitigated by this commitment. Recommend approval.

VOTED: That in connection with Petition No. Z-2357, brought by Washington North Realty, Robert J. Soforenko, 67-91 North Washington Street, Boston, for a change of occupancy from seat cover manufacturing, stores, curtain manufacturing and furniture salesroom to stores, offices, manufacturing, photo lab, printing and restaurant in a light manufacturing (M-2) district, the Boston Redevelopment Authority recommends approval. A parking commitment with the Government Center Garage to supply the required spaces mitigates the violation.



67-91 NORTH WASHINGTON ST.  
(B.P.)



Board of Appeal Referrals 12/16/71

Petitions Nos. Z-2369-2372  
Lawrenceville Associates  
22-24 Greenville Street &  
35-39 Mt. Pleasant Avenue,  
Roxbury

Petitioner seeks four conditional use permits and twelve variances to combine the lots into a single lot and change the combined occupancy of the buildings from 40 apartments to 47 apartments in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A dwelling converted for more families and not meeting the requirements of lot area and open space is conditional in an H-1 district.	
Section 10-1.	Parking is not allowed in front yard nor within five feet of side lot line.	
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1000 sf/du 624 sf/du
Section 17-1.	Open space is insufficient.	400 sf/du 310 sf/du

The properties, located on Greenville Street and Mt. Pleasant Avenue in the Model Cities Area, contain four 4 story masonry structures. It is proposed to completely rehabilitate these substandard structures, two of which are vacant and open. The proposed rehabilitation is part of a program designed to improve and enhance the neighborhood. The units will be utilized by families of low and moderate income. The open space violation is minimal. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-2369-2372, brought by Lawrenceville Associates, 22-24 Greenville Street and 35-39 Mt. Pleasant Avenue, Roxbury in the Model Cities Area, for four conditional use permits and twelve variances to combine the lots into a single lot and change the combined occupancy of the buildings from 40 apartments to 47 apartments in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The proposed rehabilitation is part of a program designed to improve and enhance the neighborhood. The proposal meets the requirements of Section 6-3 of the code.



Z-2369-72  
22-24 GREENVILLE ST  
35-39 MT PLEASANT AVE  
(ROX.)





